

Brian D. Chase, Esq. (SBN 164109)  
bchase@bisnarchase.com  
Jerusalem F. Beligan, Esq. (SBN 211258)  
jbeligan@bisnarchase.com  
Ian M. Silvers, Esq. (SBN 247146)  
isilvers@bisnarchase.com  
**BISNAR | CHASE LLP**  
1301 Dove Street, Suite 120  
Newport Beach, California 92660  
Telephone: (949) 752-2999  
Facsimile: (949) 752-2777

(Additional Counsel Listed on Signature Page)

*Attorneys for Plaintiffs and Proposed Class*

**UNITED STATES DISTRICT COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN BIGGS; TANNER  
CRISP; STEPHEN CURRAN;  
JUSTIN DADA; DAVE DE  
GUZMAN; GLÓRIA DELFIN;  
ROBERT JACOBO; DANIEL  
KELCHNER; JONATHAN  
KIRCHNER; WILLIAM  
KRUEGER; FORREST MACK;  
ELIJAH MANDELBAUM; KEVIN  
MARTINO; CHRISTOPHER  
MCGINLEY; TOURE NELSON;  
TIFFANY NGUYEN; ALECIA  
OCCHIPINTI; DUSTIN PESCH;  
CHRISTOPHER PRICE; KELLY  
SHAPLEY; SAMUEL SMITH;  
CHARLES SULLANO; JUSTIN  
VAN DE VELDE; DANIEL  
WARREN; and ROBERT WEST,  
individually; and on behalf of all  
others similarly situated,

Plaintiffs,

vs.

CYBERCODERS, INC.; and DOES  
1 through 10, inclusive,  
Defendants.

Case No. 8:18-cv-01023-JVS-JDE

**CLASS ACTION**

**PLAINTIFFS' NOTICE OF  
MOTION AND MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT,  
CONDITIONAL CERTIFICATION  
OF THE SETTLEMENT CLASS,  
APPOINTMENT OF CLASS  
REPRESENTATIVES AND CLASS  
COUNSEL, APPROVAL OF  
CLASS NOTICE, AND SETTING  
OF FINAL APPROVAL HEARING**

Judge: Hon. James V. Selna  
Date: July 8, 2019  
Time: 1:30 p.m.  
Courtroom: 10C

**TO THE COURT, ALL INTERESTED PARTIES AND THEIR  
ATTORNEYS OF RECORD:**

NOTICE IS HEREBY GIVEN that on July 8, 2019 at 1:30 p.m. before this Court, located at 411 West 4th Street, Santa Ana, CA 92701, Courtroom 10C, Plaintiffs Jonathan Biggs, Tanner Crisp, Stephen Curran, Justin Dada, Dave De Guzman, Gloria Delfin, Robert Jacobo, Daniel Kelchner, Jonathan Kirchner, William Krueger, Forrest Mack, Elijah Mandelbaum, Kevin Martino, Christopher McGinley, Toure Nelson, Tiffany Nguyen, Alecia Occhipinti, Dustin Pesch, Christopher Price, Kelly Shapley, Samuel Smith, Charles Sullano, Justin Van De Velde, Daniel Warren, and Robert West (“Plaintiffs”), individually, and on behalf all others similarly situated will, and hereby do, move the Court to enter the proposed Order Granting Preliminary Approval of Class Action Settlement (the “Preliminary Approval Order”) which has the effect of doing the following:<sup>1</sup>

1) Preliminarily approving the terms of the parties’ Settlement Agreement as being fair, reasonable, and adequate to the members of the Settlement Class (defined below) subject to further consideration at the final approval hearing after the distribution of the settlement notice to the members of the Settlement Class;

2) Granting conditional certification of the following Settlement Class for settlement purposes only: “all recruiters, or similarly-named employees performing substantially identical functions and/or duties as recruiters, currently or formerly employed by CyberCoders in California at any time between February 16, 2014 and the date of Preliminary Approval”;

3) Appointing as counsel for the Settlement Class Brian D. Chase, Esq., Jerusalem F. Beligan, Esq., and Ian M. Silvers, Esq. of Bisnar | Chase, LLP, and Jacob N. Whitehead, Esq. of Whitehead Employment Law;

---

<sup>1</sup> Unless otherwise noted, all capitalized terms are defined in the Joint Stipulation of Class Action Settlement and Release (the “Settlement Agreement”), which is attached to the Declaration of Jerusalem F. Beligan as Exhibit I. The proposed Preliminary Approval Order is attached to the Settlement Agreement as Exhibit C.

1 4) Appointing Plaintiffs as representatives of the Settlement Class;

2 5) Approving the proposed Notice and Election to Opt-Out Form  
3 (attached as Exhibits A and B to the Settlement Agreement) which will be sent to  
4 Class Members for the purpose of notifying them of the pendency of the Actions and  
5 proposed Settlement, their estimated Individual Settlement Member Total Recovery,  
6 and the schedule and procedure for requesting exclusion or submitting objections to  
7 the proposed Settlement;

8 6) Authorizing the mailing of the Notice and Election to Opt-Out Form to  
9 the Settlement Class by first-class United States mail to their last known addresses  
10 within 21 days of the Preliminary Approval Date; and

11 7) Scheduling a Final Approval Hearing to consider final approval of the  
12 proposed Settlement, Class Counsel's Attorney Fees and Costs, Class Representative  
13 Enhancement Payments, and Settlement Administration Costs.

14 The Parties have met and conferred, and Defendant does not oppose this  
15 motion.

16 This motion is based upon this notice, the attached memorandum of points  
17 and authorities, the declarations filed herewith, the Settlement Agreement and  
18 exhibits thereto, the other records and files in the Actions, and such other matters as  
19 may be properly presented at or before the hearing.

20 Dated: June 7, 2019

Respectfully submitted,

21 **BISNAR | CHASE LLP**

22  
23 By: /s/ Jerusalem F. Beligan

24 Brian D. Chase  
25 Jerusalem F. Beligan  
26 Ian M. Silvers  
27  
28

**WHITEHEAD EMPLOYMENT LAW**

By: /s/ Jacob N. Whitehead  
Jacob N. Whitehead (SBN 266123)  
jacob@jnwpc.com  
15615 Alton Parkway, Suite 175  
Irvine, California 92618  
Telephone: (949) 936-4001  
Facsimile: (949) 450-1588

*Attorneys for Plaintiffs and Proposed Class*